

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

February 2, 1998

UNITED STATES OF AMERICA,)	
Complainant)	
)	8 U.S.C. 1324a Proceeding
vs.)	
)	OCAHO Case No. 97A00124
YOSHIE MAKINO,)	
D/B/A LIGHT HOUSE BUFFET,)	
Respondent)	

FINAL DECISION AND ORDER APPROVING CONSENT FINDINGS

On June 13, 1997, complainant, acting by and through the Immigration and Naturalization Service (INS), commenced this action, which arises under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a, by having filed a single-count Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO), alleging 40 paperwork violations for which civil money penalties totalling \$12,000 were sought.

On January 23, 1998, the parties jointly filed a Motion to Approve Consent Findings, together with a fully executed six (6) page document entitled Settlement Agreement Containing Consent Findings (Settlement Agreement) which resolves all issues in the Complaint, and a proposed decision and order.

Under the pertinent rule of the OCAHO Rules of Practice and Procedure, 28 C.F.R. §§ 68.14(a)(1), (b) and (c), where the parties have submitted a settlement agreement containing consent findings and a proposed decision and order, the Administrative Law Judge may, if satisfied with its timeliness, form, and substance, accept such agreement by issuing a decision and order based upon the agreed findings.

It is found that the terms of the Settlement Agreement comply with the applicable regulations and are appropriate in timeliness, form, and substance pursuant to 28 C.F.R. §§ 68.14(b) and (c).

It is further found that under the terms of the Settlement Agreement, and pursuant to 28 C.F.R. §§ 68.14(b) and (c):

1. Respondent has withdrawn its request for a hearing on the merits;
2. Respondent admits the allegations of Count I of the Complaint and agrees to pay a civil money penalty in the total amount of \$12,000 in the manner set forth in the Settlement Agreement;
3. That respondent shall cease and desist from any further violations of section 274A of the Immigration and Nationality Act, 8 U.S.C. § 1324a;
4. The parties have waived any further procedural steps before the Administrative Law Judge;
5. Each party shall bear its own costs and attorney's fees;
6. The parties have waived any right to challenge or contest the validity of this Decision and Order;
7. The entire record on which this Decision and Order is based consists solely of the Complaint, the Notice of Hearing, and the Settlement Agreement, herein incorporated by reference;
8. This Decision and Order shall have the same force and effect as a Decision and Order made after a full administrative hearing; and
9. All motions and requests not previously disposed of are hereby denied.

In view of the foregoing, the parties' Joint Motion to Approve Consent Findings is hereby granted.

Joseph E. McGuire
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of January, 1998, I have served copies of the foregoing Final Decision and Order Approving Consent Findings to the following persons at the addresses shown, in the manner indicated:

Office of Chief Administrative Hearing Officer
Skyline Tower Building
5107 Leesburg Pike, Suite 2519
Falls Church, Virginia 22041
(original hand delivered)

Dea Carpenter
Associate General Counsel
Immigration and Naturalization Service
425 "I" Street, N.W., Room 6100
Washington, D.C. 20536
(one copy sent via regular mail)

Gita Vahid, Esquire
Immigration & Naturalization Service
P.O. Box 531551
Los Angeles, California 90053-1551
(one copy sent via regular mail)

Ben Takahashi, Esquire
Takahashi Law Corporation
420 East Third Street, Suite 1012
Los Angeles, California 90013
(one copy sent via regular mail)

Laurence C. Fauth
Attorney Advisor to
Joseph E. McGuire
Administrative Law Judge
Department of Justice
Office of the Chief Administrative
Hearing Officer
5107 Leesburg Pike, Suite 1905
Falls Church, Virginia 22041
(703) 305-1043